

# **EXHIBIT A**

Westlaw

DE ST TI 10 § 3724  
10 Del.C. § 3724

Page 1

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West's Delaware Code Annotated Currentness

Title 10. Courts and Judicial Procedures

Part III. Procedure

Chapter 37. Survival of Actions and Causes of Action; Wrongful Death  
Actions

Subchapter II. Wrongful Death Actions

→§ 3724. Action for wrongful death

(a) An action under this subchapter shall be for the benefit of the spouse, parent, child and siblings of the deceased person.

(b) If there are no persons who qualify under subsection (a) of this section, an action shall be for the benefit of any person related to the deceased person by blood or marriage.

(c) In an action under this subchapter, damages may be awarded to the beneficiaries proportioned to the injury resulting from the wrongful death. The amount recovered shall be divided among the beneficiaries in shares directed by the verdict.

(d) In fixing the amount of damages to be awarded under this subchapter, the court or jury shall consider all the facts and circumstances and from them fix the award at such sum as will fairly compensate for the injury resulting from the death. In determining the amount of the award the court or jury may consider the following:

(1) Deprivation of the expectation of pecuniary benefits to the beneficiary or beneficiaries that would have resulted from the continued life of the deceased;

(2) Loss of contributions for support;

(3) Loss of parental, marital and household services, including the reasonable cost of providing for the care of minor children;

(4) Reasonable funeral expenses not to exceed \$7,000, or the amount designated in Section 5546(a) of Title 29, whichever is greater;

(5) Mental anguish resulting from such death to the surviving spouse and next-of-kin of such deceased person. However, when mental anguish is claimed as a measure of damages under this subchapter, such claim for mental anguish will be applicable only to the surviving spouse, children and persons to whom the deceased stood in *loco parentis* at the time of the injury which caused the death of the deceased, parents and persons standing in *loco parentis* to the deceased at the time of the injury which caused the death of the deceased (if there is no surviving spouse, children or persons to whom the deceased stood in *loco parentis*), and siblings (if there is no surviving spouse, children, persons to whom the deceased stood in *loco parentis* at the time of the injury, parents or persons standing in *loco parentis* to the deceased at the time of the injury which caused the death of the deceased).

(e) Only 1 action under the subchapter lies in respect to the death of a person.

(f) For the purposes of this section, a person born to parents who have not

DE ST TI 10 § 3724  
10 Del.C. § 3724

Page 2

participated in a marriage ceremony with each other is considered to be the child of the mother. The person is considered to be the child of the other parent only if the father:

- (1) Has been judicially determined to be the father; or
- (2) Prior to the death of the child:
  - a. Has acknowledged himself, in writing, to be the father; or
  - b. Has openly and notoriously recognized the person to be his child; or
  - c. Has subsequently married the mother and has acknowledged himself, orally or in writing, to be the father.

63 Laws 1982, ch. 256, § 4; 72 Laws 1999, ch. 47, § 2, eff. June 14, 1999; 72 Laws 1999, ch. 47, § 3, eff. June 14, 1999; 75 Laws 2006, ch. 266, § 1, eff. May 15, 2006.

#### HISTORICAL AND STATUTORY NOTES

##### 2006 Legislation

75 Laws 2006, ch. 266, § 1, amended this section by substituting "\$7,000, or the amount designated in Section 5546(a) of Title 29, whichever is greater." for "\$2,000," in Subsec. (d)(4).

72 Laws 1999, ch. 47, § 4, provides:

"This Act shall apply to all wrongful deaths which occur after enactment."

10 Del.C. § 3724, DE ST TI 10 § 3724

Current through 75 Laws 2006, ch. 440.  
Revisions to Acts from the Second Regular Session 143rd General Assembly made by the Delaware Code Revisors were unavailable at time of publication.

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